

## REMARKS

[01] The Office Action of March 19, 2007 rejects all claims for anticipation by U.S. Patent No. 7,058,846 to Kelkar et al., "Kelkar" herein. The independent claims, and thus, indirectly, the dependent claims, have been amended to better define the present invention. Accordingly, the rejections are technically moot. However, to advance prosecution on the merits, the rejections are addressed as applied to the amended claims. As applied to the amendment claims, the rejections are traversed.

[02] In high-availability computing, the interruptions involved in protecting data from a computer failure by copying the data from volatile RAM to non-volatile storage media, e.g., a hard disk, can impose a substantial performance penalty. The present invention reduces this penalty by allowing an application to continue changing data while a snapshot copy of the data in RAM is copied to storage media. Thus, any interruption is limited to a RAM-to-RAM transfer to make the snapshot; such a RAM-to-RAM transfer imposes a much smaller penalty than a RAM-to-disk transfer.

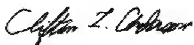
[03] The amended claims distinguish over the prior art by requiring 1) creating a snapshot in volatile memory; and 2) transfer of the snapshot to storage media while the original data continues to be modified. In Claim 1, the transfer occurs "while said application continues to modify said data so that it diverges from said snapshot". In Claim 7, the distinction is captured in that the transfer occurs during "a state that differs from the state represented in said snapshot".

[04] Kelkar deals with configuration data that changes infrequently. As those skilled in the art would understand, "configuration data" typically

refers to data that is not changed frequently. Kelkar gives “adding a new disk to a storage array” and “creating a snapshot of a storage area” as examples of events that would lead to a configuration data update. Since Kelkar updates configuration data infrequently, it is rarely the case that configuration data would need to be updated again while an earlier configuration update was being propagated.

[05] In general, Kelkar is not specific about the media involved in the transfers of configuration data. In any event, Kelkar does not disclose or suggest transferring a copy of configuration data while the configuration data is being updated. Nor does Kelkar disclose or suggest transferring a snapshot of configuration data while the configuration data is in a state that differs from the state represented in the snapshot. Accordingly, Kelkar does not anticipate the invention as defined in the amended claims. Accordingly, it is respectfully submitted that the present application is in condition for allowance, which allowance is respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Clifton L. Anderson".

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